

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD GRAZIANO	:	CIVIL ACTION
	:	
v.	:	NO. 05-2300
	:	
JAMES L. GRACE, et al	:	

ORDER

AND NOW, this 26th day of February, 2009, upon consideration of the Petition for Writ of Habeas Corpus (Document No. 1), the Respondents' Answer to Petition for Writ of Habeas Corpus, the Petitioner's "Traverse Response" to Respondents' Answer Filed, the Report and Recommendation filed by United States Magistrate Judge David R. Strawbridge and the petitioner's objections to the Report and Recommendation, and after a thorough and independent review of the record, it is **ORDERED** that:

1. The petitioner's objections are **OVERRULED**;
2. The Report and Recommendation of Magistrate Judge Strawbridge is **APPROVED** and **ADOPTED**;¹
3. The petition for writ of habeas corpus is **DENIED**; and,
4. There is no probable cause to issue a certificate of appealability.

s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.

¹With the exception of a date that is cited incorrectly and has no bearing on the outcome (petitioner's untimely claim regarding the jury instruction concerning possession of a firearm was filed on September 6, 2005, rather than September 9, 2005), the magistrate judge's recitation of the factual and procedural history is accurate. His legal analysis is thorough and correct. Therefore, there is nothing to add to his well reasoned and exhaustive report.